

Remarks:

Reconsideration of the application is requested.

Claims 1-14 and 21-22 remain in the application. Claims 1-3 and 6-12 have been amended.

In item 2 on page 2 of the above-identified Office action, claims 2 and 6 have been objected to because of informalities.

More specifically, the Examiner has stated that:

the phrase "the dry etching" step for the first layer should be rewritten as "the chemical-physical dry etching" because both the chemical or chemical-physical etching are dry etching.

The Examiner's comments have been considered and claims 2 and 6 have been appropriate corrected, as suggested by the Examiner.

In items 4-6 on pages 2-3 of the Office action, claims 3 and 7 have been rejected as being indefinite under 35 U.S.C. § 112, second paragraph.

More specifically, the Examiner has stated that:

In the claim 3, lines 1-2, the use of a term "the dry etching step" renders the claim indefinite because it is unclear whether the dry etching step is for the first or second conductive layer because both the chemical or chemical-physical etching are dry etching and which are

used to etch the second and first conductive layer, respectively.

In the claim 7, line 1, the use of a term "the dry etching step" renders the claim indefinite because it is unclear whether the dry etching step is for the first or second conductive layer because both the chemical or chemical-physical etching are dry etching and which are used to etch the second and first conductive layer, respectively. Appropriate correction is required.

In the *Remarks* on page 3 of the Office action, the Examiner stated that:

In the following rejections, Examiner interprets the dry etching step is for etching the second conductive layer in claim 3 and the dry etching step in claim 7 is for etching the first conductive layer.

The Examiner's comments have been considered and the claims have been appropriate corrected, as suggested by the Examiner.

It is accordingly believed that the claims meet the requirements of 35 U.S.C. § 112, second paragraph. Should the Examiner find any further objectionable items, Counsel would appreciate a telephone call during which the matter may be resolved. The above-noted changes to the claims are provided solely for the purpose of satisfying formal requirements, clarification, or are made solely for cosmetic reasons to clarify the claim(s). The changes are neither provided for overcoming the prior art nor do they narrow the scope of the claim(s) for any reason related to the statutory requirements for a patent.

In item 8 on page 3 of the Office action, claims 1-5,7-9,12-14 and 21-22 have been rejected as being anticipated by *Schuele et al.* (US 5,930,639) under 35 U.S.C. § 102.

The above-noted rejection and the Examiner's comments have been considered. Consequently, claim 1 has been amended in an effort to even more clearly define the invention of the instant application. Support for the changes is found in claim 8 and in the paragraph bridging pages 18 and 19 of the specification (see also Fig. 6 of the drawings).

Before discussing the prior art in detail, it is believed that a brief review of the invention as claimed, would be helpful.

Claim 1 as amended calls for, inter alia:

A method of producing an electrode configuration, which comprises the following steps:

...

applying at least one insulation layer on the electrode configuration, and structuring the insulation layer to form at least **two** contact holes with different depths.

In the second-to-last paragraph on page 4 of the Office action, the Examiner stated:

Schuele et al teach that applying an insulation layer of silicon oxide (30) on the completed electrode configuration and a contact opening is formed and filling the contact opening by depositing tungsten or aluminum to form a contact plug (col.9, lines 36-40).

Col. 8, lines 36-40, of *Schuele et al.* state:

In completing the capacitor, a SiO<sub>2</sub> isolation layer 30 is deposited and is planarized over the completed upper capacitor electrode 26. A contact opening [singular] is then etched and filled with tungsten or aluminum to form a plug 32.

(Emphasis added.)

*Schuele et al.* disclose the forming of only ONE contact opening in the isolation layer. In contrast, the present invention as recited in claim 1 has at least TWO contact holes (of different depths).

The inventive concept of the invention of the instant application is to produce in one etching step at least TWO holes having different depths, without a breakthrough due to overetching. *Schuele et al.* neither suggest nor contain the relevant teaching that would suggest producing two holes having different depths without a breakthrough due to overetching.

It is accordingly believed to be clear that *Schuele et al.* do not show the features of claim 1. Claim 1 is, therefore,

believed to be patentable over the art and because claims 2-14 and 21-22 are ultimately dependent on claim 1, they are believed to be patentable as well.

Considering the deficiencies of the primary reference *Schuele et al.*, it is believed not to be necessary at this stage to address the secondary references *Chung* (US 5,976,394) and *Yang et al.* (US 5,436,190) applied in the rejection of dependent claims 6 and 10-11, respectively, and whether or not there is sufficient suggestion or motivation with a reasonable expectation of success for modifying or combining the references as required by MPEP § 2143.

In view of the foregoing, reconsideration and allowance of claims 1-14 and 21-22 are solicited.

If an extension of time is required, petition for extension is herewith made.

Please charge any fees that might be due with respect to Sections 1.16 and 1.17 to the Deposit Account of Lerner and Greenberg, P.A., No. 12-1099.

Respectfully submitted,

  
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Markus Nollf (Reg. No. 37,006)

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Lerner and Greenberg, P.A.  
Post Office Box 2480  
Hollywood, FL 33022-2480  
Tel: (954) 925-1100  
Fax: (954) 925-1101